

REMARKS

In accordance with the foregoing, claims 1-11, 13-15 and 17 are amended. Claims 18 and 19 are added. No new matter is added. Claims 1-19 are pending and under consideration.

Claims 1-11, 13-15 and 17 are amended herewith to clarify the claimed subject matter and conform to the U.S. patent claim practice. However, Applicants respectfully submit that no new features are added and the intended scope of the claims is preserved.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102 AND 35 U.S.C. § 103

Claim 1 is rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0089743 to Ogawa (hereinafter "Ogawa").

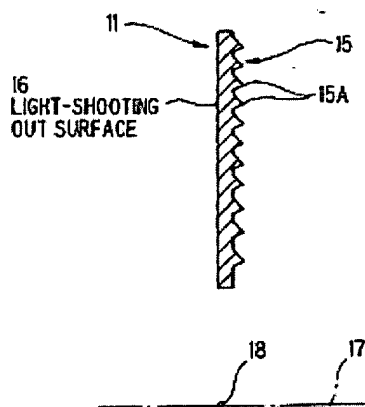
Claims 2, 4, 5, and 7 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ogawa, in view of U.S. Patent Application Publication No. 2002/0171930 to Sekiguchi ("Sekiguchi").

Claims 1-17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sekiguchi, in view of Ogawa or JP2000-258845 to Kuraray ("Kuraray") and further in view of JP2003-66206 to Dai Nippon ("Dai Nippon").

Claim 1 as amended patentably distinguishes over Ogawa at least by reciting:

1. an angle of inclination of the Fresnel surface , with a plane perpendicular to the optical axis, gradually increases with a distance from the optical axis of a respective one of the lens patterns, and
2. the Fresnel lens sheet comprises an area where the angle of inclination of at least one Fresnel surface with the plane is 77° or more.

None of the cited prior art references alone or in combination discloses or renders obvious the above-identified features of claim 1. In all of the cited references, the angles that Fresnel surfaces make with a plane perpendicular to the optical axis is the same for all the Fresnel patterns (see for example FIG. 2B from Ogawa below).

FIG. 2B

Furthermore none of the cited references discloses or renders obvious that an angle of inclination of at least one Fresnel surface with a plane perpendicular to the optical axis, is 77° or more. Applicants respectfully submit that the angle range of $40\text{--}90^\circ$ specified in Ogawa refers to the angle formed by the incident ray with the optical axis (see Ogawa's Abstract, and FIG. 1 with the corresponding description), and, thus, it is not the same as the angle of inclination recited in claim 1.

Therefore, claim 1 and claims 2-4 depending from claim 1 patentably distinguish over the cited prior art. Furthermore, the Office Action fails to meet the standard set forth in 37 C.F.R. §1.104(c)(2) according to which

When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

In this case, the Office Action alleges that the low refractive index layer recited in claim 2 is disclosed by Sekiguchi, but does not provide any indication as to where Sekiguchi teaches the feature, and provides no evidence that Sekiguchi renders obvious the location and purpose for which such a low refractive index layer is applied.

Further, contradicting the prior assertion that Sekiguchi teaches the low refractive index layer, the Office Action then alleges that Sekiguchi teaches all the features recited in the claims except for the low refractive index layer.

While Applicants respectfully disagree that the applied prior art references render obvious the features recited in the claims, if the Examiner continues to maintain his position,

Applicants also respectfully submit that the Office Action mailed on October 21, 2008 in the above-identified application is incomplete and contradictory, thus depriving Applicants from the opportunity to present pertinent contra-arguments. In that situation, Applicants would respectfully request a new complete non-final Office Action to be issued (see also 37 C.F.R. §1.104(b)).

In view of the above, amended independent claim 5 and claims 6-9 depending from claim 5, patentably distinguish over the prior art at least due to the following features recited in claim 5:

a Fresnel lens sheet having an emission surface side on which lens patterns having a Fresnel surface becoming a light beam transmission surface and a rise surface becoming a light beam non-transmission surface are formed concentrically relative to an optical axis of the Fresnel lens, the optical axis intersecting a surface of the emission surface side outside the Fresnel lens sheet, wherein an angle of inclination of the Fresnel surface with a plane perpendicular to the optical axis, gradually increases with a distance from the optical axis of respective lens patterns, and the Fresnel lens sheet comprises an area in which at least one angle of inclination of a Fresnel surface with the plane is 77° or more.

The Office Action fails to put forth a *prima facie* case of obviousness relative to claim 10 and claims 11-17 depending from claim 10. Therefore, Applicants respectfully submit that the claims should be allowed.

NEW CLAIMS

New claims 18 and 19 are directed to image projecting apparatuses having a Fresnel lens sheet. The new claims are supported by the originally filed specification. Claim 18 patentable distinguishes over the prior art at least by reciting that "the pattern specific angle increases with distance from a center relative to which the Fresnel lens patterns are formed." Claim 19 is patentable by inheriting patentable features from claim 18 and by further reciting that "at least one of the Fresnel lens patterns has the pattern specific angle larger than or equal to 77°."

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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